



Chief Executive's Report and Recommendations on Councillors' Motions submitted (Further to Report 285/2017 on Submissions Received from the public display of the proposed Material Alterations to the draft Poolbeg West Planning Scheme).

Introduction

This Report sets out the Chief Executive's Responses and Recommendations to each of the Councillor Motions received following both the public display of the proposed material alterations (to the Poolbeg West Draft Planning Scheme) and the receipt of submissions in this regard.

The layout of this report is similar to the previous Chief Executive's Reports in that motions received are grouped under each Material Alteration Reference, taken in order. In instances where there are no submissions or Councillor Motions on a particular material alteration, the corresponding section does not appear in this report.

The motion recommendations are broadly categorised as follows:

- 1. Motion is agreed**
- 2. Motion is agreed as amended**
(i.e. when Motion is substantially agreed)
- 3. Motion noted**
(i.e. matter is already addressed in existing text)
- 4. Motion not agreed**
(i.e. planning reasons)
- 5. Motion not agreed**
(as it is either:
 - Outside scope of SDZ
 - Operational Matter
 - Contrary to national policy
 - Not on foot of draft plan and submissions))

Minor typographical errors or discrepancies will be amended in the final plan before publication. Similarly where draft plans or policy documents, prepared by other bodies, have been updated or approved during the draft Planning Scheme preparation process these will be amended accordingly in the final Planning Scheme.

Please note in Chief Executive's Recommendation:

Text in green and underlined is new text recommended by the Chief Executive.

Text in red with strikethrough is recommended for **deletion** by the Chief Executive.

Table of Motions		
Motion No	Councillor(s) / Party	Page No
Material Alteration Reference No. 1		
1	Cllr. Dermot Lacey	3
2	Cllr. Dermot Lacey	3
3	Cllr. Daithí Doolan	4
Material Alteration Reference No. 2		
4	Cllr. Dermot Lacey	5
5	The Green Party	6
Material Alteration Reference No. 3		
6	Cllr Dermot Lacey	7
7	The Green Party	8
8	The Green Party	10
Material Alteration Reference No. 4		
9	Cllr. Dermot Lacey	10
10	Cllr. Daithí Doolan	11
11	Cllr. Frank Kennedy	12
12	Cllr. Mannix Flynn	13
13	The Green Party	14
14	The Green Party	15
15	Cllr. Paddy McCartan	16
Material Alteration Reference No. 5		
16	The Green Party	17
Material Alteration Map 1		
17	Cllr. Dermot Lacey	17
18	The Green Party	18
19	Cllr. Frank Kennedy	19
20	Cllr. Mannix Flynn	20
21	Cllr. Mannix Flynn	21
22	Cllr. Chris Andrews	21
23	Cllr. Paddy McCartan	24

Material Alteration Reference No. 1

Motion Number 1

Cllr. Dermot Lacey

Dublin City Council agrees that in line with submissions from both the IGB Housing Action Group and the Sandymount and Merrion Residents Association that an appropriate “Consultative and Engagement Forum” be established to actively engage with relevant local bodies on issues such as social and affordable housing initiatives and environmental impact measures for the duration of the implementation of the Plan. The precise details of the Forum to be agreed by the Area Committee.

Reason:

The implementation of this plan will have huge impact on the local community and it is important in good planning terms that the local expertise is harnessed for the benefit of all.

Chief Executive Response

The minutes of the special city council meeting held on the 18th of May 2017 (circulated to Councillors on the 12th of June) contains the following resolution in respect of a similar motion (no. 1041);

Dublin City Council agrees to include the following in the Poolbeg SDZ Plan:

“A Consultative Forum comprising local elected Councillors and other local community interests from the Sandymount, Irishtown and Ringsend area will be established to engage in an ongoing monitoring and advisory body for the lifetime of the implementation of the Plan.”

The above text will be included in chapter 12 of the Poolbeg West planning scheme.

Chief Executive’s Recommendation

Motion agreed as amended: Insert new text at the end of fourth paragraph, Section 12.1, page 69

A Consultative Forum comprising local elected Councillors and other local community interests from the Sandymount, Irishtown and Ringsend area will be established to engage in an ongoing monitoring and advisory body for the lifetime of the implementation of the Plan.

Motion Number 2

Cllr. Dermot Lacey

Dublin City Council agrees that in line with various submissions that the City Council recommits to engaging with the Department of Housing, Planning and Local Government for the introduction of a viable Affordable Housing Scheme that will enable the implementation of the Affordable Housing objective outlined in principle in the Plan.

Reason:

The absence of an Official Affordable Housing Scheme is a major obstacle to the implementation of the key objective of a significant Affordable Housing element of the total housing figures in the Plan and agreement on such a scheme is imperative.

Chief Executive’s Response

It is accepted that the absence of an affordable housing scheme is a matter which needs to be addressed. As set out in the Chief Executive’s response to submissions received on the material alterations (Report 285/17 page 7), putting in place an affordable housing model is a matter to be addressed by Central Government and the Department of Housing Planning and Local Government. It is the intention of the City Council to engage with the Department on this matter, particularly given the specific reference to affordable housing in proposed Material Alteration 1 (in the context of social/affordable housing delivery).

Chief Executive's Recommendation

Motion agreed: Regular contact with the Department of Housing Planning and Local Government to be maintained in order to progress the matter of affordable housing delivery.

Motion Number 3

Cllr. Daithí Doolan

In noting the current and unprecedented housing crisis, Dublin City Council, in Section 3.5, page 12, first sentence, will insert the words, 'a minimum of' before, '...900 will be delivered as either social and/or affordable units including units for senior citizens.'

To read: Of the 3,500 new homes permissible on the site under this Planning Scheme, a *minimum* of 900 will be delivered as either, social and/or affordable units including units for senior citizens.

Reason:

Sinn Féin welcomes the progress made in the plan from the obligatory Part 5, 10% social housing, to the commitment to provide 900 social and affordable units outlined in the Draft Poolbeg West Development Plan.

Dublin City is in the middle of a serious housing crisis with social and affordable housing, not overly priced apartments, being the greatest need for our citizens.

We firmly believe the site could provide more social and affordable units than 900. We are proposing that the plan should commit to a minimum, not a maximum, of 900.

To ensure this plan delivers affordable housing it is essential for the Government to put in place an affordable housing model. This must be done as a matter of urgency.

Chief Executive's Response

A request to consider 900 as a minimum figure was previously raised in Sinn Féin's submission on the material alterations. This is documented and responded to on pages 8-10 in the Chief Executive's report on submissions on the material alterations (report 285/17). Page 7 in particular addressed the matter;

"For this change to be realistic, the Council would need to be satisfied that some figure in excess of 900 units could be achieved. The matter of the quantum of units achievable was discussed in detail at the Council Special Meeting on May 18th 2017, whereby a range of motions were considered and agreement reached (by vote) on the wording to be included in the material alteration. This said, it should be noted that a minimum of 350 units would be delivered as social housing as per the text of the proposed alteration, and that under the Part V provisions there is no impediment to any person from using more than 10% of residential land for social housing."

The text of the proposed material alteration presents the best case position that can be achieved, given limitations of planning and related legislation, and also is the outcome of the commitment to enter an agreement between Dublin City Council, the DHPLG, and the owners/developers of the SDZ scheme.

Chief Executive's Recommendation

Motion not agreed: Retain wording as per material alteration

Material Alteration Reference No. 2

Motion Number 4

Cllr. Dermot Lacey

Dublin City Council agrees that in line with well informed local submissions on the balance of one, two and three bedroom units required it is agreed to retain the following in the Planning Scheme:

20-25% - 1 bedroom apartments
20% minimum - 3+ bedroom units
Up to 60% balance – 2 bedroom units

Reason:

All the evidence presented to me as a Local Representative and contained in submissions from among others the IGB Housing Action Group is that the balance of need in terms of delivering a sustainable community is for a higher proportion of two bed room units than that proposed by the Chief Executive.

Chief Executive's Response

The Chief Executive's recommendation on the matter in response to the content of submissions received (Aug 17, p11-13 of 285/2017) was to revert to the following on foot of the evidence base.

1 beds 25-30% (upto a quarter of which may be studios)
3+ beds 15 % min
2 beds Upto 60% (balance)

The evidence base included (in summary)

- The fact that half the families in the local area, "Pembroke East A" Electoral Division, were 2 person families and a further 25% being 3 person families (census 2011).
- A need for 56% one beds, and 33% 2 beds for purposes of social housing at City level (2015 figure)
- National data from the housing agency which showed a 16% decrease in 4 and 5 person households (1986-2016), and a 14% increase in 2 person households.
-

Also of relevance is the fact the motion, if realised, would result in a lower overall quantum of residential units because of the reduction in the number of smaller units and the increase in the number of larger units.

The reason given for the motion is on foot of a need for a higher proportion of 2 bed units than that proposed by the Chief Executive (in the report on submissions). However, a comparison of the 2 scenarios results in the same number of 2 bed units being achieved:

	CEs recommended approach	Motion recommendation
1 bed maximum provision	30%	25%
3 bed minimum provision	15%	20%
Balance ; 2 beds	55%	55%

Chief Executive's Recommendation

Motion not agreed for the reasons outlined above.

Motion Number 5

The Green Party

That the Council reject the CEO Report and recommendation and to retain the figures as agreed by Councillors on 18th May 2017.

Apartment Unit Type	% of SDZ Scheme
1 beds	20-25% (up to a quarter of which may be studios)
3+ beds	20% minimum
2 beds	up to 60% (balance)

Reason: The SDZ aims to develop a sustainable neighbourhood. However the current proposed mix of studio, 1 bed and 2 bed units risks an over concentration of high cost rental apartments which is not conducive to creating a new sustainable neighbourhood in the City. It is evident from recent housing and homeless figures that with the ever increasing number of families living in emergency accommodation, and single but separated people with children who are in need of housing, that more long term sustainable family homes are required in the SDZ to alleviate the housing and homeless crisis. Therefore the ratios of 1, 2 and 3 beds should remain as above and agreed by Councillors.

Chief Executive's Response

Addressing the comment that the residential mix in the SDZ will result in 'high cost rental apartments', is somewhat beyond the remit of planning in that the cost and affordability are dependent on peoples ability to pay based on income and credit availability, coupled with competition from other developments where properties are released to the market. That said, the SDZ has taken a planned approach to delivering choice within the SDZ by way of (a) ..allowing for a range of units types based on the available evidence base (reflecting need) , and (b) ...allowing for the inclusion of (limited) studio units and build to rent schemes. The overall scheme is designed to promote varied unit types and designs.

The Chief Executive's recommendation on the matter in response to the content of submissions received (Aug 17, p11-13 of 285/2017) was to revert to the following on foot of the evidence base.

1 beds 25-30% (upto a quarter of which may be studios)
3+ beds 15 % min
2 beds Upto 60% (balance)

The evidence base included (in summary) the following and this remains valid and relevant.

- The fact that half the families in the local area, "Pembroke East A", were 2 person families and a further 25% being 3 person families (census 2011).
- A need for 56% one beds, and 33% 2 beds for purposes of social housing at City level (2015 figure)
- National data from the housing agency which showed a 16% decrease in 4 and 5 person households (1986-2016), and a 14% increase in 2 person households.

It is not agreed that the unit mix is not conducive to creating a new sustainable neighbourhood as units will be to modern standards, and densities achieved will support improved public transport and sustainable lifestyles/commuting. It remains the case that an increase in the 3 bed proportion will reduce overall unit numbers achievable. Overall, it is considered that and that the mix proposed in the Chief Executive's recommendation remains appropriate.

Chief Executive's Recommendation

Motion not agreed for the reasons outlined above.

Material Alteration Number 3

Motion 6 Cllr Dermot Lacey

Dublin City Council agrees to amend the Proposal in the Chief Executives Report on Page 16 in relation to the number of Units calculated for the provision of “5% community, creative and artistic space” to “100 residential units” instead of “200 residential units”

Reason: The desire to have adequate community, creative and artistic space has been well aired and supported by previous Council decisions. This amendment is an attempt to strike a balance between conflicting arguments in relation to how such a mandatory requirement can be determined.

Chief Executive’s Response

The Council is committed to providing adequate community, cultural, creative and artistic spaces in the SDZ. In addition to supporting and promoting the existing community services adjoining the SDZ (see objective CD2), the Poolbeg West planning scheme proposes new community facilities that includes educational facilities (primary school), crèches, and services that are ancillary to the enjoyment of residential living (e.g. meeting/event halls, gyms, cafes, medical type services, laundry etc)

The public open spaces provided in the SDZ were developed having regard to the ‘Fields in Trust’ benchmark and will encourage shared use of spaces for the benefit of community events and developing tourism offerings for the local and wider community.

The SDZ will actively pursue a community and social development agenda, re-integrating and connecting the Docklands communities to a range of services and expertise across all sectors.

In addition to the provision of community facilities and infrastructure in the SDZ, the Poolbeg West planning scheme will further seek 5% of the overall development for social, cultural, creative and artistic purposes. It is intended that such uses will add variety to the SDZ and also provide animation to the public domain. The motion received regarding the 5% social, cultural, creative and artistic spaces seeks a new development thresholds of 100units.

It should be noted that the Council will seek 5% of the over development in the SDZ for social, cultural, creative and artistic uses and that the issue is the distribution of such uses. The motion is considered disproportionate, and discourages clusters of social, cultural, creative and artistic spaces (including clustering in the vicinity of the community hub as per objective CD1)

There is also a proportional viability problem if a threshold of 100 units is used. Each block in the SDZ will provide approximately 300 units, providing a mix of private, social and affordable units types (1beds, 2 beds & 3beds) together with supporting community facilities such as crèches, public spaces, children play areas etc. Development would not be viable for a prospective applicant providing 100 units to allocate 5 units equivalent (5%) to social, cultural, creative and artistic uses in addition to the mix of unit types and associated community facilities required. It is considered that 200 units/20,000sqm will provide a workable and balanced threshold for providing social, cultural, creative and artistic spaces in the SDZ.

This 200 units/20,000sqm threshold will also encourage clusters of artist studios in the SDZ. The City Council is currently working with the Arts Council and the Department of Arts, Heritage and the Gaeltacht to investigate how opportunities for artists’ spaces can be provided in the city in recognition of the shortage of such spaces across the city. Preliminary findings indicate that artists’ studios should be clustered in groups of 10 to 20 studios on

ground and upper floors with shared facilities. The number of such artists studios cluster would be provided in consultation with stakeholders (Arts office, Art Council, Department of Arts, Heritage and the Gaeltact, local communities and residents) set out in (ii) of CD 8.

Chief Executive's Recommendation

Amend Objective CD 8

From

- ~~(i) To require all developments over 50 residential units/5000m² to provide 5% social, cultural, creative and artistic purposes in the SDZ as identified in a cultural and community audit. Each block Masterplan/application needs to demonstrate how this is being incorporated. This space can be provided in tandem with community needs identified through community audits (see CD 9 below) to achieve viable economies of scale.~~
- ~~(ii) Developers to consult with the Arts Office of Dublin City Council, Local Communities and residents in developing the social, cultural, creative and artistic needs of the SDZ.~~

To

- (i) To require all developments over 200 residential units / 20,000m² to provide 5% social, community, creative and artistic space(s) in the SDZ as identified in an updated 2015 Cultural and Community Audit, to be completed within 6 months. Each application must demonstrate how this is to be provided for as part of the Implementation of the SDZ scheme set out in Chapter 12. This space can be provided in tandem with community facilities to achieve economies of scale and community synergies. The scheme shall aim to provide for artists studios comprising 10 – 20 studios in one or more clusters.
- (ii) Developers to consult with the Arts Office of Dublin City Council, the Art Council, the Department of Arts, Heritage and the Gaeltacht, Local Communities and residents in developing the social, cultural, creative and artistic needs of the SDZ.

Motion 7

The Green Party

'That the Council reject the CEO Report and retain the objective wording as agreed by Councillors on 18th May 2017. '

To require all developments over 50 residential units/5000m² to provide 5% space for social, cultural, creative and artistic purposes within the Poolbeg West SDZ. Each block Masterplan/application needs to demonstrate how this is being incorporated. This space can be provided in tandem with needs identified through cultural and community audits (see CD 9 below) to achieve viable economies of scale.

Planning reason: There is a deficit of social, cultural, creative and artistic space in the city, particularly work spaces for these sectors. As we create a new mixed use neighbourhood in the City by developing the SDZ, we have an opportunity to actively address this growing issue by ensuring developers contribute to the community, artistic, creative and cultural needs of the wider City within the SDZ, in addition to the 5% allocation for the Docklands area as much development has already taken place within the rest of the Docklands. This provision within the SDZ will also demonstrate that Dublin City Council is committed to valuing the contribution our artistic and creative communities make to the City. We welcome and support the Managers proposal to develop artist's studios in blocks of 10-20 and support the inclusion of this in the objective.

Chief Executive's Response

The Council is committed to providing adequate community, cultural, creative and artistic spaces in the SDZ. In addition to supporting and promoting the existing community services

adjoining the SDZ (see objective CD2), the Poolbeg West planning scheme proposes new community facilities that includes educational facilities (primary school), crèches, and services that are ancillary to the enjoyment of residential living (e.g. meeting/event halls, gyms, cafes, medical type services, laundry etc)

The public open spaces provided in the SDZ were developed having regard to the 'Fields in Trust' benchmark and will encourage shared use of spaces for the benefit of community events and developing tourism offerings for the local and wider community.

The SDZ will actively pursue a community and social development agenda, re-integrating and connecting the Docklands communities to a range of services and expertise across all sectors.

In addition to the provision of community facilities and infrastructure in the SDZ, the Poolbeg West planning scheme will further seek 5% of the overall development for social, cultural, creative and artistic purposes. It is intended that such uses will add variety to the SDZ and also provide animation to the public domain. The motion now seeks a development threshold of 50 units/5,000sqm.

It should be noted that the Council will seek 5% of the over development in the SDZ for social, cultural, creative and artistic uses and that the issue is the distribution of such uses. The motion to have 50 units/ 5,000sqm as the threshold is considered disproportionate, non-viable and discourages clusters of social, cultural, creative and artistic spaces (including clustering in the vicinity of the community hub as per objective CD1).

There is a proportional viability problem if a threshold of 50 units is used. Each block in the SDZ will provide approximately 300 units, providing a mix of private, social and affordable unit's types (1beds, 2 beds & 3beds) together with supporting community facilities such as crèches, public spaces, children play areas etc. Development would not be viable for a prospective applicant providing 50 units to allocate 2.5 units (5%) to social, cultural, creative and artistic uses in addition to the mix of unit types and associated community facilities required. It is considered that 200 units/20,000sqm will provide a workable and balanced threshold for providing social, cultural, creative and artistic spaces in the SDZ.

This 200 units/20,000sqm threshold will also encourage clusters of artist studios in the SDZ. The City Council is currently working with the Arts Council and the Department of Arts, Heritage and the Gaeltacht to investigate how opportunities for artists' spaces can be provided in the city in recognition of the shortage of such spaces across the city. Preliminary findings indicate that artists' studios should be clustered in groups of 10 to 20 studios on ground and upper floors with shared facilities. The number of such artists studios cluster would be provided in consultation with stakeholders (Arts office, Art Council, Department of Arts, Heritage and the Gaeltacht, local communities and residents) set out in (ii) of CD 8.

Chief Executive's Recommendation

Amend Objective CD 8

From

~~(iii) To require all developments over 50 residential units/5000m² to provide 5% social, cultural, creative and artistic purposes in the SDZ as identified in a cultural and community audit. Each block Masterplan/application needs to demonstrate how this is being incorporated. This space can be provided in tandem with community needs identified through community audits (see CD 9 below) to achieve viable economies of scale.~~

~~(iv) Developers to consult with the Arts Office of Dublin City Council, Local Communities and residents in developing the social, cultural, creative and artistic needs of the SDZ.~~

To

- (iii) To require all developments over 200 residential units / 20,000m² to provide 5% social, community, creative and artistic space(s) in the SDZ as identified in an updated 2015 Cultural and Community Audit, to be completed within 6 months. Each application must demonstrate how this is to be provided for as part of the Implementation of the SDZ scheme set out in Chapter 12. This space can be provided in tandem with community facilities to achieve economies of scale and community synergies. The scheme shall aim to provide for artists studios comprising 10 – 20 studios in one or more clusters.
- (iv) Developers to consult with the Arts Office of Dublin City Council, the Art Council, the Department of Arts, Heritage and the Gaeltacht, Local Communities and residents in developing the social, cultural, creative and artistic needs of the SDZ.

Motion 8 The Green Party

Motion 2: 'That the Council accept the CEO Report and recommendation to include the following wording:

Developers to consult with the Arts Office of Dublin City Council, the Art Council, the Department of Arts, Heritage and the Gaeltacht, Local Communities and residents in developing the social, cultural, creative and artistic needs of the SDZ.

Chief Executive's Response

Motion is noted (i.e. final recommendation as set out in Chief Executive's Report on Material Alteration, p16)

Chief Executive's Recommendation

Motion noted and agreed.

Material Alteration Number 4

Motion Number 9 Cllr. Dermot Lacey

Dublin City Council agrees to amend the Chief Executives recommendation on Material Alteration Number 4 by inserting “,Creative Industries” after the word “Commercial” and before “and industrial”.

Reason: This will enhance the objective of locating a creative film studio type industry at this location which is in the interests of good sustainable use of the area.

Chief Executive's Response

The proposed wording will provide further clarity with regard to Material Amendment No. 4, which refers to the inclusion of 'film, TV and digital content production studios' within the B2 lands.

Notwithstanding the above, some minor rewording is required to ensure Material Amendment No. 4 is legibly inserted within Chapter 9 of the Planning Scheme. The reference 'Dublin Bay Studios' also needs to be omitted as this relates to a specific development proposal and may be interpreted as limiting all 'Creative Industries' to that of a single business entity.

Refer also to Motions Nos. 10, 11, 12, 13, 14 and 15.

Chief Executive’s Recommendation
Motion agreed, as amended.

That the B2 lands within Figure 9.1 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related) Activities.

Insert a new paragraph (paragraph 4) within Section 9.3 as follows:

The B2 Lands are designated Mixed Use - Commercial, Creative Industries, Industrial (including Port Related Activities). This enables a range of uses on these lands including those associated with Dublin Port and film, TV and digital content production studios. The latter may include the provision of sound stages, post production and digital services, workshop areas, ancillary support and administration buildings and back lot areas (outdoor storage, green landscaping).

Motion Number 10 **Cllr. Daithí Doolan**

Dublin Bay Studios: A once in a lifetime opportunity for Dublin that the area designated as B2 in the Strategic Development Zone be shown for Mixed Use, Creative Industries, Commercial, and Industrial (including Port-Related Activities) including film, TV and digital content production studios, and that such a facility would allow for the provision of sound stages, post-production and digital services, workshop areas, ancillary support and admin buildings, and backlot (outdoor, green area).

Reference to “mixed-use” on Figures 9.1 and 9.2 of the Amended Draft SDZ Planning Scheme would need to be amended also to define the revised permissible uses (and the inclusion of ‘creative industries’ as proposed above)

Reason:

Sinn Féin welcomes the increased commitment to the delivery of a film studio as part of the development. We would encourage Dublin City Council to facilitate discussions between stake holders to ensure this development becomes a reality. The development of a film studio and creative industries on the Poolbeg Peninsula will give employment and will provide apprenticeships in line with other socio economic commitments in the plan.

Chief Executive’s Response

The proposed wording will provide further clarity with regard to Material Amendment No. 4, which refers to the inclusion of ‘film, TV and digital content production studios’ within the B2 lands. Map 2 can also be changed in this regard for clarity.

Notwithstanding the above, some minor rewording is required to ensure Material Amendment No. 4 is legibly inserted within Chapter 9 of the Planning Scheme. The reference ‘Dublin Bay Studios’ should also be omitted as this relates to a specific development proposal and may be interpreted as limiting all ‘Creative Industries’ to that of a single business entity.

Refer also to Motions Nos. 9, 11, 12, 13, 14 and 15.

Chief Executive’s Recommendation
That the motion is agreed, as amended.

That the B2 lands within Figure 9.1 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

That the B2 lands within Figure 9.2 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

Insert a new paragraph (paragraph 4) within Section 9.3 as follows:

The B2 Lands are designated Mixed Use - Commercial, Creative Industries, Industrial (including Port Related Activities). This enables a range of uses on these lands including those associated with Dublin Port and film, TV and digital content production studios. The latter may include the provision of sound stages, post production and digital services, workshop areas, ancillary support and administration buildings and back lot areas (outdoor storage, green landscaping).

Motion Number 11 Cllr. Frank Kennedy

That the *Poolbeg West SDZ Planning Scheme* includes the following wording in relation to Amendment No. 4:

‘Dublin Bay Studios: A once in a lifetime opportunity for Dublin.

That the area designated as B2 in the Strategic Development Zone be shown for Mixed Use, Creative Industries, Commercial, and Industrial (including Port-Related Activities) including film, TV and digital content production studios, and that such a facility would allow for the provision of sound stages, post-production and digital services, workshop areas, ancillary support and admin buildings, and backlot (outdoor, green area).’

Reference to “mixed-use” on Figures 9.1 and 9.2 of the *Amended Draft SDZ Planning Scheme* would need to be amended also to define the revised permissible uses (and the inclusion of ‘creative industries’ as proposed above).

Reason:

The Current Proposal by the Executive Omits Necessary Components of an SDZ Planning Scheme that Are Required by Legislation

When Dublin City Council championed Poolbeg West to Government as a candidate SDZ, it was in recognition that such a designation was designed to deliver “*specified development ... of economic or social importance to the State*” (Section 166 of the *Planning and Development Acts 2000 – 2016*).

Subsection 2 of Section 168 of the PDA 2000-2016 requires that the resultant *Planning Scheme* sets out in a Written Statement and a Plan “*the manner in which it is intended that the [total] site is to be developed ...*”, specifying a range of details including:

1. The type or types of development;
2. The extent of such development;
3. Proposals in terms of overall design including maximum heights, external finishes, general appearance and design;
4. Transportation proposals: roads’ layout; parking spaces, etc.
5. Site services;
6. Proposals to minimise environmental effects; and,
7. Where residential, the supporting infrastructure.

Successive governments have designated 10 No. SDZs to date; 8 No. SDZs have been approved by An Bord Pleanála, all 8 No. SDZs have the above level of detail and ownership has never been a criterion for preparation and approval of a SDZ Planning Scheme. In other words, uses are imposed on the relevant lands regardless of ownership. It is essential that the adopted *Poolbeg West Planning Scheme* makes specific reference to the designation of the “B2 Lands” of some 8 hectares (20 acres) of the SDZ lands for the provision of a zone for “*Creative industries, which will facilitate film and television production activities*”.

Chief Executive’s Response

The proposed wording in the motion will provide further clarity with regard to Material Amendment No. 4, which refers to the inclusion of ‘film, TV and digital content production studios’ within the B2 lands. Map 2 can also be changed in this regard for clarity.

Notwithstanding the above, some minor rewording is required to ensure Material Amendment No. 4 is legibly inserted within Chapter 9 of the Planning Scheme. The reference ‘Dublin Bay Studios’ should also be omitted as this relates to a specific development proposal and may be interpreted as limiting all ‘Creative Industries’ to that of a single business entity, and specifying a specific end-user.

Whilst the motion correctly refers to S.168 of the Planning and Development Act, The SDZ Designation Order states that the SDZ is designated in accordance with Part IX of the Act for a mixed use development which may principally include residential development, commercial and employment activities including office, hotel, leisure and retail facilities, port related activities and the provision of educational facilities, transport infrastructure, , emergency services, and the provision of community facilities.

Refer also to Motions Nos. 9, 10, 12, 13, 14 and 15.

Chief Executive’s Recommendation

That the motion is agreed, as amended.

That the B2 lands within Figure 9.1 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

That the B2 lands within Figure 9.2 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

Insert a new paragraph (paragraph 4) within Section 9.3 as follows:

The B2 Lands are designated Mixed Use - Commercial, Creative Industries, Industrial (including Port Related Activities). This enables a range of uses on these lands including those associated with Dublin Port and film, TV and digital content production studios. The latter may include the provision of sound stages, post production and digital services, workshop areas, ancillary support and administration buildings and back lot areas (outdoor storage, green landscaping).

Motion Number 12

Cllr. Mannix Flynn

That the *Poolbeg West SDZ Planning Scheme* includes the following wording in relation to Amendment No. 4:

‘Dublin Bay Studios: A once in a lifetime opportunity for Dublin.

That the area designated as B2 in the Strategic Development Zone be shown for Mixed Use, Creative Industries, Commercial, and Industrial (including Port-Related Activities) including film, TV and digital content production studios, and that such a facility would allow for the provision of sound stages, post-production and digital services, workshop areas, ancillary support and admin buildings, and backlot (outdoor, green area).'

[Our emphasis.]

Reference to “mixed-use” on Figures 9.1 and 9.2 of the *Amended Draft SDZ Planning Scheme* would need to be amended also to define the revised permissible uses (and the inclusion of ‘creative industries’ as proposed above).

Chief Executive’s Response

The proposed wording in relation to creative industries is agreed.

Notwithstanding the above, some minor rewording is required to ensure Material Amendment No. 4 is legibly inserted within Chapter 9 of the Planning Scheme. The reference ‘Dublin Bay Studios’ should also be omitted as this relates to a specific development proposal and may be interpreted as limiting all ‘Creative Industries’ to that of a single business entity.

Refer also to Motions Nos. 9, 10, 11, 13, 14 and 15.

Chief Executive’s Recommendation

That the motion is agreed, as amended.

That the B2 lands within Figure 9.1 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

That the B2 lands within Figure 9.2 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

Insert a new paragraph (paragraph 4) within Section 9.3 as follows:

The B2 Lands are designated Mixed Use - Commercial, Creative Industries, Industrial (including Port Related Activities). This enables a range of uses on these lands including those associated with Dublin Port and film, TV and digital content production studios. The latter may include the provision of sound stages, post production and digital services, workshop areas, ancillary support and administration buildings and back lot areas (outdoor storage, green landscaping).

Motion Number 13 The Green Party

That the Council reject the CEO Report and retain the wording of the objective as agreed by the Councillors on 18th May 2017.

A once in a lifetime opportunity for Dublin That the area designated as B2 in the Strategic Development Zone be shown for mixed use, including film, TV and digital content production studios And that such a facility would allow for the provision of sound stages, post production and digital services, workshop areas, ancillary support and admin buildings, backlot (outdoor, green area)

Planning reason: To actively support the development of a film, TV and digital content studio as a catalyst for the regeneration of Poolbeg West, to generate employment, to promote tourism in the area, to support and recognise our success in this industry and our wider creative culture both nationally and internationally. In addition, the proposed use of the land by Dublin Port will have a serious environmental impact on the residents of Poolbeg West due to the high levels of movement of heavy good vehicles through the area, which have not been accounted for in the SDZ. From an environmental and employment perspective, the Dublin Bay Studios Proposal would be a far better use of these lands.

Chief Executive's Response

It should be noted that Motions 9, 10, 11, 12, 14 and 15 seek to further expand the 'Mixed Use' designation within the CE Report on Submissions (Material Alterations - August 2017) to include a reference to 'Creative Industries', i.e. 'Mixed Use, Commercial, Creative Industries and Industrial (including Port-Related Activities)' and the Chief Executive supports this extra text. As Motion No. 13 seeks to revert to the wording contained within the Draft Planning Scheme (February 2017) a conflict with Motions Nos. 9, 10, 11, 12, 14 and 15 is created.

The expansion of the 'Mixed Use' designation with reference to 'Commercial and Industrial (including Port Related Activities)' clarifies that the B2 lands can be used for both port related activities and film, TV and digital content industries. As noted in the CE Report on Submissions (Material Alterations - August 2017) any placement of restrictions on port related activities within the B2 lands will lead to fundamental conflicts within the SDZ Planning Scheme and with the Statutory Designation Order. No. 279 of 2016.

Chief Executive's Recommendation

Motion not agreed for the planning reasons outlined above.

Motion Number 14 The Green Party

'That the area designated as B2 in the Strategic Development Zone be shown for Mixed Use, Creative Industries, Commercial, and Industrial (including Port-Related Activities) including film, TV and digital content production studios, and that such a facility would allow for the provision of sound stages, post-production and digital services, workshop areas, ancillary support and admin buildings, and backlot (outdoor, green area).'

Planning reason: To actively support the development of a film, TV and digital content studio as a catalyst for the regeneration of Poolbeg West, to generate employment, to promote tourism in the area, to support and recognise our success in this industry and our wider creative culture both nationally and internationally.

Chief Executive's Response

The proposed wording in relation to creative industries is agreed.

Notwithstanding the above, some minor rewording is required to ensure Material Amendment No. 4 is legibly inserted within Chapter 9 of the Planning Scheme. The reference 'Dublin Bay Studios' should also be omitted as this relates to a specific development proposal and may be interpreted as limiting all 'Creative Industries' to that of a single business entity.

Refer also to Motions Nos. 9, 10, 11, 12, 13 and 15.

Chief Executive's Recommendation

Motion agreed, as amended.

That the B2 lands within Figure 9.1 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

That the B2 lands within Figure 9.2 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related Activities).

Insert a new paragraph (paragraph 4) within Section 9.3 as follows:

The B2 Lands are designated Mixed Use - Commercial, Creative Industries, Industrial (including Port Related Activities). This enables a range of uses on these lands including those associated with Dublin Port and film, TV and digital content production studios. The later may include the provision of sound stages, post production and digital services, workshop areas, ancillary support and administration buildings and back lot areas (outdoor storage, green landscaping).

Motion Number 15

Cllr. Paddy McCartan

That the *Poolbeg West SDZ Planning Scheme* includes the following wording in relation to Amendment No. 4:

'Dublin Bay Studios: A once in a lifetime opportunity for Dublin.

That the area designated as B2 in the Strategic Development Zone be shown for Mixed Use, Creative Industries, Commercial, and Industrial (including Port-Related Activities) including film, TV and digital content production studios, and that such a facility would allow for the provision of sound stages, post-production and digital services, workshop areas, ancillary support and admin buildings, and backlot (outdoor, green area).'

[Our emphasis.]

Reference to "mixed-use" on Figures 9.1 and 9.2 of the *Amended Draft SDZ Planning Scheme* would need to be amended also to define the revised permissible uses (and the inclusion of 'creative industries' as proposed above).

Chief Executive's Response

The proposed wording is agreed as it will provide further clarity with regard Material Amendment No. 4, which refers to the inclusion of film, TV and digital content production studios within the B2 lands. Map 2 can also be changed in this regard for clarity.

Notwithstanding the above, some minor rewording is required to ensure the Material Amendment is legibly inserted within Chapter 9 of the Planning Scheme. The reference 'Dublin Bay Studios' should also be omitted as this relates to a specific development proposal and may be interpreted as limiting all 'Creative Industries' to that of a single business entity.

Refer also to Motions Nos. 9, 10, 11, 12, 13 and 14.

Chief Executive's Recommendation

Motion agreed, as amended.

That the B2 lands within Figure 9.1 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related) Activities.

That the B2 lands within Figure 9.2 be modified to include:

Mixed Use – Commercial, Creative Industries, Industrial (including Port Related) Activities.

Insert a new paragraph (paragraph 4) within Section 9.3 as follows:

The B2 Lands are designated Mixed Use - Commercial, Creative Industries, Industrial (including Port Related Activities). This enables a range of uses on these lands including those associated with Dublin Port and film, TV and digital content production studios. The latter may include the provision of sound stages, post production and digital services, workshop areas, ancillary support and administration buildings and back lot areas (outdoor storage, green landscaping).

Material Alteration Number 5

Motion Number 16 The Green Party

That the Council reject the CEO Report and retain the wording of the objective as agreed by the Councillors on 18th May 2017.

Chief Executive's Response

The wording contained within Material Alteration No. 5 is as agreed at the Special City Council meeting on 18 May 2017. No change in wording is proposed within CE Report on Submissions (Material Alterations - August 2017), however it is noted that to ensure consistency with Material Alteration No. 5, Map No. 1 should be amended to refer to maximum heights only (i.e. up to 12, 16, 18 or 20 storeys) for landmark and gateway buildings (shown on last page for ease of reference).

An updated Map 1 (i.e. Figure 11.2 Block Form and Layout) is attached. This also includes changes in response to Motion Nos. 17, 18, 19, 20 and 23 below.

Chief Executive's Recommendation

Motion agreed, as amended.

Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3)

To reflect increases in building height, as illustrated on the amended Map 1, dated September 2017, below.

Material Alteration Map 1

Motion Number 17 Cllr. Dermot Lacey

To amend the Chief Executive Recommendations in relation to the area marked B2 to provide for maximum heights of 28 metres instead of 20 metres and to amend all maps accordingly.

Reason: This will bring the SDZ into line with the Development Plan and provide greater flexibility in determining suitable planning assessment on this most important site.

Chief Executive's Response

The Chief Executive's Report on Submissions (Material Alterations - August 2017) notes concerns in relation to the increasing heights with the B2 lands. It is noted that the proposed

20m height limit is to ensure any forms of industrial development on the B2 lands is of a lower profile than that of the A1 residential lands.

However design quality safeguards are contained within Section 11.5.3 of the Planning Scheme. These safeguards can be modified so that they are also applicable to buildings up to 28m on B2 lands in order to ensure the safeguards are suitably applied to the B lands.

An updated Map 1 (i.e. Figure 11.2 Block Form and Layout) is attached. The Map includes the following changes:

- 28 metre height limit is applied to the B2 lands. For consistency a 28 metre height limit is also applied to the B1 lands.
- The school site reverts to '4-5 Storeys' (the equivalent of 'Up to 20m') as per the Draft Planning Scheme of May 2017.
- Maximum heights only are given for gateway and landmark and buildings to ensure consistency with Material Amendment No. 5 (see also Motion No. 16).

See also Motion Nos. 18, 19, 20 and 23.

Chief Executive's Recommendation

Motion agreed, as amended.

Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3)

To reflect increases in building height, as illustrated on the amended Map 1, dated September 2017, below.

Amend Section 11.5.3 -Architectural Language (p67), from that previously agreed at Special Meeting on 18th May 2017

In order to ensure that a holistic and coherent architectural design approach is achieved for all the buildings in the Poolbeg West area, an 'Architectural Design Statement' will be submitted for any planning applications relating to one block or more **and/or buildings greater than 20m in height**. The Statement should seek to ensure that a design approach is employed where each block is expressed on along its frontage as a number of different individual buildings, rather than a single expansive building (see also Figure 11.11), with an emphasis on vertical features and own door access.

Motion Number 18 The Green Party

"That Map No. 1 be amended to illustrate that heights of up to 28m be permissible on B2 Lands, in accordance with Section 15.1.1.9 'Poolbeg West SDRA' of the *Dublin City Development Plan 2016-2022*."

Planning reason: To actively support the development of a film, TV and digital content studio as a catalyst for the regeneration of Poolbeg West, to generate employment, to promote tourism in the area, to support and recognise our success in this industry and our wider creative culture both nationally and internationally.

Chief Executive's Response

The Chief Executive's Report of Submissions (Material Alterations - August 2017) notes concerns in relation to the increasing heights with the B2 lands. It is noted that the proposed 20m height limit is to ensure any forms of industrial development on the B2 lands is of a lower profile than that of the A1 lands.

However design quality safeguards are contained within Section 11.5.3 of the Planning Scheme. These safeguards can be modified so that they are also applicable to buildings up to 28m on B2 lands in order to ensure the safeguards are suitably applied to the B lands.

An updated Map 1 (i.e. Figure 11.2 Block Form and Layout) is attached. The Map includes the following changes:

- 28 metre height limit is applied to the B2 lands. For consistency a 28 metre height limit is also applied to the B1 lands.
- The school site reverts to '4-5 Storeys' (the equivalent of 'Up to 20m') as per the Draft Planning Scheme of May 2017.
- Maximum heights only are given for gateway and landmark and buildings to ensure consistency with Material Amendment No. 5 (see also Motion No. 16).

See also Motion Nos. 17, 19, 20 and 23.

Chief Executive's Recommendation

Motion agreed, as amended.

Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3)

To reflect increases in building height, as illustrated on the amended Map 1, dated September 2017, below.

Amend Section 11.5.3 -Architectural Language (p67), from that previously agreed at Special Meeting on 18th May 2017

In order to ensure that a holistic and coherent architectural design approach is achieved for all the buildings in the Poolbeg West area, an 'Architectural Design Statement' will be submitted for planning applications relating to one block or more **and/or buildings greater than 20m in height**. The Statement should seek to ensure that a design approach is employed where each block is expressed on along its frontage as a number of different individual buildings, rather than a single expansive building (see also Figure 11.11), with an emphasis on vertical features and own door access.

Motion Number 19 Cllr. Frank Kennedy

"That Map No. 1 be amended to illustrate that heights of up to 28m be permissible on B2 Lands, in accordance with Section 15.1.1.9 'Poolbeg West SDRA' of the *Dublin City Development Plan 2016-2022*."

Reason:

Increase Height on Site B2 to a 28m maximum

This proposes a new height limitation of 28m, not 20m, apply to site B2. This would require that Map 1 be amended for the lands by the insertion of a new colour and addition to the legend.

Such a height increase is fully in accordance with the *Dublin City Development Plan 2016-2022*. Section 15.1.1.9 (Poolbeg West Strategic Development Regeneration Area) states, in respect of the use and urban form, that:

*"The development will be **predominantly under 28 m in height** (4-7 storeys commercial and up to 9 storeys residential), to promote appropriate setting, amenity and integration with the surrounding urban fabric; **mid-rise heights of up to a max of 50 m** at a limited number of locations in the vicinity of South Bank Road will create variances in place-making, urban form and street character"*

While the *Chief Executive's Report* states (p.23) that limiting B2 to a max of 20 m "will ensure that development within B1 and B2 lands, which is **largely generally industrial in nature and form**, will be of a lower profile than more attractive residential development within the A1 lands" 28m height when used by a project such as the proposed film studio

would have no adverse impact on the SDZ, and would in fact complement it and augment the SDZ as a whole.

Chief Executive's Response

CE Report of Submissions (Material Alterations - August 2017) notes concerns in relation to the increasing heights with the B2 lands. It is noted that the proposed 20m height limit is to ensure any forms of industrial development on the B2 lands is of a lower profile than that of the A1 lands.

However design quality safeguards are contained within Section 11.5.3 of the Planning Scheme. These safeguards can be modified so that they are also applicable to buildings up to 28m on B2 lands in order to ensure the safeguards are suitably applied to the B lands.

An updated Map 1 (i.e. Figure 11.2 Block Form and Layout) is attached. The Map includes the following changes:

- 28 metre height limit is applied to the B2 lands. For consistency a 28 metre height limit is also applied to the B1 lands.
- The school site reverts to '4-5 Storeys' (the equivalent of 'Up to 20m') as per the Draft Planning Scheme of May 2017.
- Maximum heights only are given for gateway and landmark and buildings to ensure consistency with Material Amendment No. 5 (see also Motion No. 16).

See also Motion Nos. 17, 18, 20 and 23.

Chief Executive's Recommendation

Motion agreed, as amended.

Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3)

To reflect increases in building height, as illustrated on the amended Map 1, dated September 2017, below.

Amend Section 11.5.3 -Architectural Language (p67), from that previously agreed at Special Meeting on 18th May 2017

In order to ensure that a holistic and coherent architectural design approach is achieved for all the buildings in the Poolbeg West area, an 'Architectural Design Statement' will be submitted for planning applications relating to one block or more **and/or buildings greater than 20m in height**. The Statement should seek to ensure that a design approach is employed where each block is expressed on along its frontage as a number of different individual buildings, rather than a single expansive building (see also Figure 11.11), with an emphasis on vertical features and own door access.

Motion Number 20

Cllr. Mannix Flynn

"That Map No. 1 be amended to illustrate that heights of up to 28m be permissible on B2 Lands, in accordance with Section 15.1.1.9 '*Poolbeg West SDRA*' of the *Dublin City Development Plan 2016-2022*."

Chief Executive's Response

CE Report of Submissions (Material Alterations - August 2017) notes concerns in relation to the increasing heights with the B2 lands. It is noted that the proposed 20m height limit is to ensure any forms of industrial development on the B2 lands is of a lower profile than that of the A1 lands

However design quality safeguards are contained within Section 11.5.3 of the Planning Scheme. These safeguards can be modified so that they are also applicable to buildings up to 28m on B2 lands in order to ensure the safeguards are suitably applied to the B lands. An updated Map 1 (i.e. Figure 11.2 Block Form and Layout) is attached. The Map includes the following changes:

- 28 metre height limit is applied to the B2 lands. For consistency a 28 metre height limit is also applied to the B1 lands.
- The school site reverts to '4-5 Storeys' (the equivalent of 'Up to 20m') as per the Draft Planning Scheme of May 2017.
- Maximum heights only are given for gateway and landmark and buildings to ensure consistency with Material Amendment No. 5 (see also Motion No. 16).

See also Motion Nos. 17, 18, 19 and 23.

Chief Executive's Recommendation
Motion agreed, as amended.

Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3)

To reflect increases in building height, as illustrated on the amended Map 1, dated September 2017, below.

Amend Section 11.5.3 -Architectural Language (p67), from that previously agreed at Special Meeting on 18th May 2017

In order to ensure that a holistic and coherent architectural design approach is achieved for all the buildings in the Poolbeg West area, an 'Architectural Design Statement' will be submitted for planning applications relating to one block or more **and/or buildings greater than 20m in height**. The Statement should seek to ensure that a design approach is employed where each block is expressed on along its frontage as a number of different individual buildings, rather than a single expansive building (see also Figure 11.11), with an emphasis on vertical features and own door access.

Motion Number 21 **Cllr. Mannix Flynn**

Proposal to amend Chief Executive's recommendation regarding Figure 11.2 – "Block Form and Layout within the Draft SDZ Planning Scheme Plan, with concurrent increases in building height":

Chief Executive Motion: To amend figure 11.2 of the Planning Scheme to increase the building heights permissible on lands in the ownership of Bissett Engineering Ltd. to 18-20 no. storeys and to ensure the delivery of the Eastern By-Pass Corridor does not hinder the development potential of the Bissett Engineering lands.

Reason:

Figure 11.2 – Height: John Bissett Engineering Ltd lands hold a pivotal position within the SDZ area, located between the two main land bodies on the southern edge of the overall scheme. The site has direct frontage to the coastal amenity zone and faces south onto Dublin Bay. Having regard to this pivotal position and its southerly aspect across Dublin Bay, it is respectfully submitted that the site is a highly suitable location for a landmark development. The development of a high landmark building at this location will provide a visual focal point for the Planning Scheme area. The subject site is situated in a key location which forms a transitional zone between the proposed residential area and the industrial area of the SDZ development boundary.

The provision of a higher building of up to 18- 20 no. storeys on our client's site will create landmark feature within the scheme. A high building at this location will set a clear distinction between the existing industrial land use and proposed new residential and mixed use land use within the SDZ development boundary. The landmark building will mark the transitional zone of the overall development and will create a bookend to the development.

Eastern By-Pass Corridor: Figure 6.3 of the Planning Scheme indicates the proposed route of the Eastern By-Pass Corridor which extends over the majority of the industrial and port related zone set out in the SDZ Planning Scheme, covering approximately 40% of the land area within the Planning Scheme boundary. However, a restriction on development has only been implemented on a small area including our client's site. It is considered that to sterilise a certain portion of the lands within the proposed route from development but facilitate development on the greater part of the route corridor is inconsistent with the overall development strategy for an SDZ area and is un-justifiable in planning terms.

The Draft Planning Scheme does not clearly define the route of the South Port Access and Eastern By-Pass and this is a very serious and significant shortcoming of the Draft Planning Scheme. We respectfully submit that it is of fundamental importance that the Planning Scheme clearly defines the route of the Eastern By-Pass road proposal. Failure to do so will result in significant uncertainty and fundamentally undermines implementation of key objectives of the SDZ Planning Scheme and prevents the realisation of the objectives of the designation of the SDZ Scheme by government to a significant extent.

It is considered that to restrict and sterilise the use of the Bissett Engineering lands due to an absence of a defined transport corridor is contrary to the proper planning and sustainable development of the area. It is respectfully submitted that the Poolbeg West SDZ Planning Scheme be amended to ensure consistency between the zoning, phasing and designations of the lands.

Chief Executive's Response

In the Draft Planning Scheme agreed in May 2017 a landmark building is already provided within the SDZ Planning Scheme where the shoreline pivots between the 'Coastal Park' toward the Poolbeg Peninsula as part of an integrated urban design. This building is provided in accordance with the height strategy as 18 storey gateway building and is located on the A lands where there is certainty over its deliverability (i.e. outside of the Eastern By-Pass Reservation). It is also noted that the Bissett Engineering site was re-allocated to 'Mixed Use' at the Special Council Meeting of 18 May 2017 to safeguard the existing use. The provision of a 20m (or 28m height limit – see Motions 17, 18, 19, 20 and 23) height limit on the Bissett Engineering site is considered adequate in this regard. The existing use rights pertaining to the Bissett Engineering site are not affected by the planning scheme, and previous motions to facilitate a full size football pitch were amended on foot of this approach.

It is acknowledged that the scheme provides for a number of buildings within the Eastern By-Pass Reservation, along South Bank Road. These buildings are separated by a distance of 35m on either side of the road. This creates a corridor within which South Bank Road could be widened to accommodate the By-Pass. The application of 'Flexible Building Lines' also enables this distance to be further increased if required. The Bissett Engineering site is however located within a more complex part of the Reservation, where the by-pass may surface from a tunnel and/or where a major junction may be created and where a landmark building would appear as an isolated structure unrelated to the new urban neighbourhood. See also Motion No. 22.

Chief Executive's Recommendation

Motion not agreed for planning reasons set out above.

Motion Number 22**Cllr. Chris Andrews**

Proposal to amend Chief Executive's recommendation regarding Figure 11.2 – "Block Form and Layout within the Draft SDZ Planning Scheme Plan, with concurrent increases in building height":

Chief Executive Motion: To amend figure 11.2 of the Planning Scheme to increase the building heights permissible on lands in the ownership of Bissett Engineering Ltd. to 18-20 no. storeys and to ensure the delivery of the Eastern By-Pass Corridor does not hinder the development potential of the Bissett Engineering lands.

Reason:

Figure 11.2 – Height: John Bissett Engineering Ltd lands hold a pivotal position within the SDZ area, located between the two main land bodies on the southern edge of the overall scheme. The site has direct frontage to the coastal amenity zone and faces south onto Dublin Bay. Having regard to this pivotal position and its southerly aspect across Dublin Bay, it is respectfully submitted that the site is a highly suitable location for a landmark development. The development of a high landmark building at this location will provide a visual focal point for the Planning Scheme area. The subject site is situated in a key location which forms a transitional zone between the proposed residential area and the industrial area of the SDZ development boundary.

The provision of a higher building of up to 18- 20 no. storeys on our client's site will create landmark feature within the scheme. A high building at this location will set a clear distinction between the existing industrial land use and proposed new residential and mixed use land use within the SDZ development boundary. The landmark building will mark the transitional zone of the overall development and will create a bookend to the development.

Eastern By-Pass Corridor: Figure 6.3 of the Planning Scheme indicates the proposed route of the Eastern By-Pass Corridor which extends over the majority of the industrial and port related zone set out in the SDZ Planning Scheme, covering approximately 40% of the land area within the Planning Scheme boundary. However, a restriction on development has only been implemented on a small area including our client's site. It is considered that to sterilise a certain portion of the lands within the proposed route from development but facilitate development on the greater part of the route corridor is inconsistent with the overall development strategy for an SDZ area and is un-justifiable in planning terms.

The Draft Planning Scheme does not clearly define the route of the South Port Access and Eastern By-Pass and this is a very serious and significant shortcoming of the Draft Planning Scheme. We respectfully submit that it is of fundamental importance that the Planning Scheme clearly defines the route of the Eastern By-Pass road proposal. Failure to do so will result in significant uncertainty and fundamentally undermines implementation of key objectives of the SDZ Planning Scheme and prevents the realisation of the objectives of the designation of the SDZ Scheme by government to a significant extent.

It is considered that to restrict and sterilise the use of the Bissett Engineering lands due to an absence of a defined transport corridor is contrary to the proper planning and sustainable development of the area. It is respectfully submitted that the Poolbeg West SDZ Planning Scheme be amended to ensure consistency between the zoning, phasing and designations of the lands.

Chief Executive's Response

In the Draft Planning Scheme agreed in May 2017 a landmark building is already provided within the SDZ Planning Scheme where the shoreline pivots between the 'Coastal Park' toward the Poolbeg Peninsula as part of an integrated urban design. This building is provided in accordance with the height strategy as 18 storey gateway building and is

located on the A lands where there is certainty over its deliverability (i.e. outside of the Eastern By-Pass Reservation). It is also noted that the Bissett Engineering site was re-allocated to 'Mixed Use' at the Special Council Meeting of 18 May 2017 to safeguard the existing use. The provision of a 20m (or 28m height limit – see Motions 17, 18, 19, 20 and 23) height limit on the Bissett Engineering site is considered adequate in this regard. The existing use rights pertaining to the Bissett Engineering site are not affected by the planning scheme, and previous motions to facilitate a full size football pitch were amended on foot of this approach.

It is acknowledged that the scheme provides for a number of buildings within the Eastern By-Pass Reservation, along South Bank Road. These buildings are separated by a distance of 35m on either side of the road. This creates a corridor within which South Bank Road could be widened to accommodate the By-Pass. The application of 'Flexible Building Lines' also enables this distance to be further increased if required. The Bissett Engineering site is however located within a more complex part of the Reservation, where the by-pass may surface from a tunnel and/or where a major junction may be created and where a landmark building would appear as an isolated structure unrelated to the new urban neighbourhood. See also Motion No. 21.

Chief Executive's Recommendation

Motion not agreed, for planning reasons set out above.

Motion Number 23 Cllr Paddy McCartan

PROPOSED MOTION – MAP NO. 1 BUILDING HEIGHT

"That Map No. 1 be amended to illustrate that heights of up to 28m be permissible on B2 Lands, in accordance with Section 15.1.1.9 '*Poolbeg West SDRA*' of the *Dublin City Development Plan 2016-2022*."

Chief Executive's Response

CE Report of Submissions (Material Alterations - August 2017) notes concerns in relation to the increasing heights with the B2 lands. It is noted that the proposed 20m height limit is to ensure any forms of industrial development on the B2 lands is of a lower profile than that of the A1 lands. It is however acknowledged buildings associated with other uses, such as offices and creative industries, could make a positive contribution to the skyline and compliment development on the A lands provided they are of a high quality.

Design quality safeguards are contained within Section 11.5.3 of the Planning Scheme, however these primarily relate to development within the A lands, i.e. development relating to a smaller urban block (see CE report on Submissions – May 2017). These safeguards can be modified so that they are also applicable to buildings over 20m in order to ensure the safeguards are suitably applied to the B lands.

An updated Map 1 (i.e. Figure 11.2 Block Form and Layout) is attached. The Map includes the following changes:

- 28 metre height limit is applied to the B2 lands. For consistency a 28 metre height limit is also applied to the B1 lands.
- The school site reverts to '4-5 Storeys' (the equivalent of 'Up to 20m') as per the Draft Planning Scheme of May 2017.
- Maximum heights only are given for gateway and landmark and buildings to ensure consistency with Material Amendment No. 5 (see also Motion No. 16).

See also Motion Nos. 17, 18, 19 and 20.

Chief Executive's Recommendation

Motion agreed, as amended.

Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3)

To reflect increases in building height, as illustrated on the amended Map 1, dated September 2017, below.

Amend Section 11.5.3 Architectural Language (p67) from that previously agreed at Special Meeting on 18th May 2017

In order to ensure that a holistic and coherent architectural design approach is achieved for all the buildings in the Poolbeg West area, an 'Architectural Design Statement' will be submitted for planning applications relating to one block or more **and/or buildings greater than 20m in height**. The Statement should seek to ensure that a design approach is employed where each block is expressed on along its frontage as a number of different individual buildings, rather than a single expansive building (see also Figure 11.11), with an emphasis on vertical features and own door access.

Map 1 - Amend Figure 11.2 – Block Form and Layout (to become Figure 11.3) with height increases illustrated below.

Owen P. Keegan
Chief Executive
Dublin City Council

Dated 20th September 2017

Material Amendment Map 1: Building Heights as Amended - September 2017 (to allow up to 28m on 'yellow' coloured lands)

